

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

COMPLAINT LOG NO.
1004702

TYPE
CL

DATE OF REPORT (Day-Mo.-Yr.)
18 July 07

INSTRUCTIONS: To be used in all cases that are to be classified as either **EXONERATED**, **UNFOUNDED**, **NOT SUSTAINED**, or in **SUSTAINED** cases where the Disciplinary Recommendation does not exceed **FIVE (5) DAYS SUSPENSION**. SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED. SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS

☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM -INVESTIGATOR'S NAME
Noel A. Del Valle

RANK
PA

STAR NO.
7485

EMPLOYEE NO.
[REDACTED]

UNIT ASSIGN.
121

UNIT DETAILED

REFERENCE NOS. (LIST ALL RELATED C.L., C. B., I.R., INVENTORY NOS., ETC., PERTINENT TO THIS INVESTIGATION)

ADDRESS OF INCIDENT
23 [REDACTED] W. Lawrence Ave.

DATE OF INCIDENT -TIME
05 April 07 2030 hours

BEAT OF INCIDENT
2031

NAME		RANK	STAR NO.	EMPLOYEE NO.	UNIT ASSIGN.	UNIT DETAILED	
ACCUSED	1. Nenad Markovich	PO	19638	[REDACTED]	023		
	2. Aaron B. Cunningham	PO	15522	[REDACTED]	010	214	
	3.						
	SEX/RACE	D.O.B.	DATE OF APPOINTMENT	DUTY STATUS (TIME OF INCIDENT)			
	1. M/W		23 Jul 97	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	
	2. M/W		29 Jun 98	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	
	3.			<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	
	IF APPLIES, DATE ARRESTED/INDICTED		CHARGES		COURT BRANCH	DISPOSITION & DATE	
	1.						
	2.						
3.							
COMPLAINANT	NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	M/H	[REDACTED] 70
VICTIMS	NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	M/H	[REDACTED] 71
WITNESSES	NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	Ramon Silva	P.O., #19982, [REDACTED]	[REDACTED]	[REDACTED]	PAX-4142	M/H	
	Debra Anderson	P.O., #3947, [REDACTED]	[REDACTED]	[REDACTED]	PAX-4142	F/W	

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

**IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

NOTE: Complaint Log Type is classified as CR - Sworn Affidavit on file.

The complainant alleges on 05 April 07, about 2030 hours, at 23 [REDACTED] W. Lawrence Ave, he was pulled over by the accused officers. Accused #1:

1. Twisted his right arm behind his back.
2. Removed his wallet.
3. Placed both of his hands in his back pants pockets and grabbed his behind.
4. Stated, "Son of a bitch, Motherfucker in this country you have to speak English.

The complainant alleges on 05 April 07, about 2030 hours, at 23 [REDACTED] W. Lawrence Ave, he was pulled over by the accused officers. Accused #2:

5. Threw victim [REDACTED] license in the street.
6. Shoved victim [REDACTED] against a vehicle.
7. Threatened to write victim [REDACTED] tickets for looking at the accused's vehicle license plate.
8. Took victim [REDACTED] wallet from his hand, and after verifying there was no money in it, handed it back to him.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).

In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

On 14 May 07, the undersigned had occasion to meet with complainant [REDACTED]. After obtaining a signed Sworn Affidavit form, the undersigned spoke with [REDACTED] regarding his allegations. The undersigned questioned [REDACTED] based on an Initiation Report submitted by Sergeant William Grassi #1509. He related essentially the same information he told Sergeant Grassi. The only clarification was the fact that [REDACTED] stated it was [REDACTED] driver's license that was thrown on the street by the accused, and not his. Otherwise, [REDACTED] verified the Initiation Report as being accurate. The undersigned also spoke with complainant [REDACTED] independently of [REDACTED]. He also confirmed the information in the Initiation Report of Sergeant Grassi as being accurate.

On 19 June 07, the complainants came to the Internal Affairs Division to view photos in an effort to identify the officers in this matter. [REDACTED] viewed photos and positively identified P.O. Nenad Markovich #19638 as one of the accused officers (Reference Allegation #1-#4). He also identified P.O. Aaron Cunningham #15522 as the other accused officer (Reference Allegation #5-#8). Complainant [REDACTED] also viewed photos independently of [REDACTED]. He positively identified P.O. Nenad Markovich #19638 as one of the accused officers (Reference Allegation #1-#4 above). Both complainants were unable to make a positive ID as to the witness officers. A check of the A & A sheets for Unit 214 on the date/time in question indicate P.O. Debra Anderson #3947 was partnered with P.O. Markovich, while P.O. Ramon Silva #19982 was partnered with P.O. Cunningham. The officers were served electronically and requested to submit reports.

The witness officers submitted reports. Witness Officer Silva stated he was working on the date/time in question, however he was not present for the traffic stop. Witness Officer Anderson stated she did not observe the alleged misconduct as indicated by the complainant. The accused officers denied the allegations, stating they have no recollection of this particular incident.

Based on all available information, the undersigned requests this matter be classified as NOT SUSTAINED.

SUMMARY

ATTACH-
MENTS

INVESTIGATIVE REPORTS-
SUPPORTING ALLEGATION
LIST ATTACHMENT NUMBERS:

1, 4, 8, 10, 13

INVESTIGATIVE REPORTS-
SUPPORTING ACCUSED MEMBER(S)
LIST ATTACHMENT NUMBERS:

19-22

PHYSICAL EVIDENCE LIST
ATTACHMENT NUMBERS:

TOTAL NUMBER OF ATTACHMENTS
SUBMITTED WITH THIS FILE:

22

FINDINGS - RECOMMENDATIONS

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for --- days (not to exceed 5 days).

Accused #1: P.O. Nenad Markovich #19638, Unit 023

Allegation #1: NOT SUSTAINED
Allegation #2: NOT SUSTAINED
Allegation #3: NOT SUSTAINED
Allegation #4: NOT SUSTAINED

Accused #2: P.O. Aaron Cunningham #15522, Unit 010/214

Allegation #5: NOT SUSTAINED
Allegation #6: NOT SUSTAINED
Allegation #7: NOT SUSTAINED
Allegation #8: NOT SUSTAINED

Recommendation for Disciplinary Action:

No Disciplinary Action warranted, case to be filed.

DATE INITIATED (Date complaint was received for investigation)

06 April 07

DATE COMPLETED (Date of this report)

18 July 07

ELAPSED TIME (Total time expressed in days)

103 days

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INTERNAL AFFAIRS DIVISION
General Investigation Section

CL #1004702

EVIDENCE

Attachments:

1. Complaint Against Department Member dated 18 July 07.
2. Conflict Certification Form.
3. Signed Sworn Affidavit.
4. Initiation Report of Sergeant W. Grassi #1509, Unit 019 dated 05 April 07.
5. Copy of letter mailed to complainant [REDACTED] dated 11 April 07.
6. USPS Tracking report for letter mailed to complainant [REDACTED]
7. Conversation with complainant [REDACTED] dated 08 May 07.
8. Interview of complainant [REDACTED] dated 19 June 07.
9. Research of Department Records dated 09 May 07.
10. Attendance and Assignment sheets for Unit 214, 3rd Watch, 05 April 07.
11. Unit History for Beat 44G74J on 05 April 07.
12. PCAD Event Query for event [REDACTED]
13. Appointment to view photos with complainant [REDACTED] dated 13 June 07.
14. Identification of accused and witness officers dated 19 June 07.
15. Notification of Charges/Allegations for accused Officer Nenad Markovich #19638.
16. Notification of Charges/Allegations for accused Officer Aaron Cunningham #15522.
17. Request for report for witness Officer Ramon Silva #19982.
18. Request for report for witness Officer Debra Anderson #3947.

CL #1004702

INTERNAL AFFAIRS DIVISION
General Investigation Section

CL #1004702

EVIDENCE

Attachments Continued:

19. Report of accused Officer Nenad Markovich #19638 dated 06 July 07.
20. Report of accused Officer Aaron Cunningham #15522 dated 28 June 07.
21. Report of witness Officer Ramon Silva #19982 dated 27 July 07.
22. Report of witness Officer Debra Anderson #3947 dated 28 June 07.

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